



UNITED STATES DEPARTMENT OF COMMERCE
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In re Application of:
Osamu Yokomizo et al
SERIAL NO. 08/470,424
FILED: June 6, 1995
FOR: FUEL ASSEMBLY AND NUCLEAR
REACTOR

DECISION ON PETITION
UNDER 37 CFR §1.181

MAILED

FEB 06 1997

DIRECTOR
GROUP 2200

This is a decision on the petition filed January 7, 1997 for reconsideration of the decision mailed December 31, 1996. Applicants request review of the previous decision and the issuance of a new complete Office action including a new requirement for restriction including newly added claims 24-29; and a refund of \$930, the three month extension of time fee.

Applicants' request for reconsideration of the decision mailed December 31, 1996 has been considered. However, as previously pointed out, a complete Office action was rendered by the examiner. Claims 1-29 were considered and an action on the merits of the elected species was rendered by the examiner. As to the non-elected species/inventions, applicants are not precluded from filing divisional applications directed to these species or inventions.

Applicants request for a refund of the extension of time fee is denied. 37 CFR § 1.181(f) specifically states:

"The mere filing of a petition will not stay the period for reply to an examiner's action which may be running against an application, nor act as a stay of other proceedings."

Though the delay in answering the petition filed July 30, 1996 is regretted, it was applicants' choice to delay filing their response to the rejection mailed July 5, 1996, thus necessitating the request for a three month extension of time and the requisite fee.

Petition is DENIED.

Robert E. Garrett
Director, Group 2200